IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 3911 of 2006()

CRA.314/2003 of ADDL.SESSIONS COURT (ADHOC), KASARAGOD
CC.411/2000 of JUDL. MAGISTRATE OF FIRST CLASS-II, HOSDRUG

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REVN. PETITIONER: APPELLANT/ACCUSED

M.KUNHIRAMAN, AGED ABOUT 48 YEARS,
S/O. DEVAKI, RESIDING AT KOTERRA,
THIAKADAPPURAM P.O.,. THIAKADAPPURAM,
NILESHWAR, KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS:RESPONDENTS

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1. M.P.RAMAKRISHNAN, AGED 23 YEARS,
S/O. O.V.KANNAN, RESIDING AT MANDALAM,
PUDUKAI VILLAGE, PUDUKAI P.O.,
KASARAGOD DISTRICT.

2. THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 3911 of 2006

Dated this the 27th day of November, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for a period of four months. He was also directed to pay a sum of Rs.50,000/- as compensation to the complainant and in default thereof to undergo simple imprisonment for a period of three months. On appeal by the accused, the appellate court confirmed the conviction and sentence and dismissed the appeal.

2. In the manner in which I propose to dispose of the revision, I do not think notice need be issued to the first respondent/complainant. The learned counsel for the petitioner submits that the petitioner is prepared to pay the compensation amount and his only prayer is to grant a reasonable time to pay the same. It is also submitted that the sentence of imprisonment is excessive.

3. Taking note of the facts and circumstances of the case and the nature of the offence and also the submission made by

the learned counsel for the petitioner, I am inclined to reduce the sentence of imprisonment till the rising of the court and to grant three months' to pay the compensation amount.

In the result, this Crl.R.P. is allowed in part. The conviction is confirmed. The sentence is reduced to imprisonment till the rising of the court. The direction to pay the compensation of Rs.50,000/- and in default of payment of compensation to undergo simple imprisonment for three months is also confirmed. However, the petitioner is granted three months' time to pay the compensation. The petitioner shall appear before the trial court on 20.12.2006 for undergoing the imprisonment till the rising of the court and shall continue to appear as and when directed by the trial court till the compensation amount is paid. The default sentence shall be kept in abeyance for a period of three months.

K.T.SANKARAN,
JUDGE

csl